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fessional men. Of course, it is of the highest importance to the adjudication, that the case should have been well argued; but we are here supposing it to have been equally well argued in both instances. And in this observation we impute no corruption to judges; but only state a fact relative to the workings of the human mind.

Besides, we should remember that a judge has no better opportunity to know what is a legal principle, than the humblest man in the ranks of the profession. This knowledge depends upon the person's natural capabilities and his experience, study and reflection. We think we have sufficiently shown that Courts do not decide principles, but cases, though, of course, in deciding the latter, they must have a certain recognition of the former.

While in these observations, we are endeavoring to correct a too common error in the minds of professional men, we trust that our meaning will not be misapprehended. It is of the highest importance in studying cases, to look into the reasoning of the Court. The necessity of this is so apparent to any professional man, that it need not be enforced. But, at the same time, we cannot use too much caution against being led astray by false lights.

J. P. B.

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#### THE DEATH OF THE HON. THOMAS DAY.

The Hon. THOMAS DAY died at Hartford, Conn., March 1, 1855. The pages of this journal have been enriched, on more than one occasion, by important legal matters from his pen. Mr. Day was born on the 6th of July, 1777, and was a descendant in the sixth generation from Robert Day, who came to Massachusetts in 1638.

The editorial labors of Thomas Day commenced as early as 1805, when he began to report regularly the Decisions of the Supreme Court of Errors; but he took notes of cases in the latter half of the 18th century, and his reports cover a period ranging through more than half a century. At the June Term, 1853, he declined a re-appointment, and the Supreme Court of Errors were pleased to express their high respect for his eminent services and exalted character, and to thank him for his advancement of juridical science through his numerous reports, and other legal produc-

tions, and for his uniform kindness and courtesy in all his intercourse with the bench and the bar. He edited several English law works, in all about forty volumes, in which he introduced notices of American decisions, and made other improvements.

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### NOTICES OF NEW BOOKS.

Digest of the Decisions of the Supreme Court of the State of Illinois. By Elliot Anthony, Esq. Philadelphia: T. & J. W. Johnson. 1855.

With the great multiplication of Books of Reports of late years, a corresponding change in the function and use of Digests appears to have taken place. Once the latter were considered as a mere convenient adjunct to a lawyer's library, an aid to his memory, or a guide to his hand, in the search for decisions which he was supposed to know beforehand, perfectly; but never to supply the want of such knowledge. This was the view of the black-letter student, in those happy days when a wheelbarrow contained all the books of his art. But now such a stretch of supposition is impossible. Even in his own State, what lawyer can run over the hundred volumes, and tell you, page by page, subject by subject, their contents. A digest now-a-days, therefore, when well made, necessarily involves something more than a mere stringing together of reporters' head-notes, upon a thread of careless analysis. To be useful, it must be accurate and philosophic in its plan; conscientious and original in its condensation of the reported cases. These are qualities, to be sure, which resemble much those of a well ordered text book. And, indeed, the better digests now, differ but little from any other law books, except in the fact that they are not welded into one homogeneous mass, by the easy use of conjunctive and disjunctive particles. They differ from text books, only as the earthenware pot differs from china, in the glazing; and are often quite as useful.

Mr. Anthony's Digest of Illinois Reports appears to be carefully prepared, and to possess the qualifications we have specified as those upon which the merit of such a work must now depend. The points decided are clearly, and we have no doubt, accurately stated; and the analysis is highly satisfactory. It is a book which will be valuable, not only in Illinois, but elsewhere.